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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/539,459

Applicant(s)

KING, ALLEN

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 54,56-62 and 64-87 is/are pending in the application.
- 4a) Of the above claim(s) 55 and 63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54,56-62 and 64-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant has amended claims 54, 56-57, 60-62, 64-65, 68-73, 75-77, 79-82, and 84-86 and canceled claims 55 and 63. Therefore claims 54, 56-62, and 64-87 are now pending.

### ***Response to Arguments***

1. Applicant's arguments filed November 7, 2003 have been fully considered but they are not persuasive. The applicant argues that Nakashima et al. does not teach if no change occurs or less than said minimum numerical amount of change occurs before a predetermined time-out, said subsystem reporting to said host system a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out. However it is the examiner's opinion that Nakashima et al. teaches the above feature (column 1, lines 42-46 and 52-54).

Nakashima et al. discloses, "...the network monitoring station collects status information from ATM network devices by transmitting query messages at regular intervals to request them to send back their local administrative information, including device configuration, functional status, and statistics... this system, however, repeats such data collection at predetermined intervals, regardless of the presence of actual status changes in each individual ATM network device." The regular intervals of request are equivalent to set timeout periods because both set a time at which a status response must be sent to the host and both respond to the request with the current data regardless of a change in status.

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2. Applicant's arguments with respect to claims 54, 57, 62, 65, 70, 72, 79, and 82 with respect to the following features: value or amount of change of characteristic reported to the host, numerical minimum specified by host have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 54, 56-62, and 64-69 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,337,413 to Lui et al. in view of Day and further in view of Nakashima et al.

Regarding claim 54, Lui et al. teaches a method for communicating to a host system a numerically variable characteristic of a subsystem (column 1, lines 9-11), said method comprising the steps of: said subsystem receiving a request from said host system to monitor said numerically variable characteristic of said subsystem (column 1, lines 30-35) and report to said host system a value of said characteristic or an amount of change of said characteristic (column 1, lines 53-57 and column 4, lines 23-26); and in response to the receiving step, said subsystem monitoring said characteristic, and said subsystem reporting a value of said characteristic or an amount of change of said characteristic to said host system (column 5, lines 27-41).

Lui et al. does not teach report to said host system when a minimum numerical amount of said change occurs. Day teaches report a value of said characteristic or an amount of change of

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said characteristic when a minimum numerical amount of said change occurs, said request specifying said minimum numerical amount of said change (column 3, lines 17-20 and 29-32); and in response to the receiving step, monitoring said characteristic, and if and approximately when said minimum numerical amount of said change subsequently occurs in said said characteristic, reporting a value of said characteristic or an amount of change of said characteristic (column 2, lines 34-37 and column 4, lines 53-55). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the environment monitoring system of Lui et al. by reporting to said host system when a minimum numerical amount of said change occurs because this prevents a multitude of status reports with little to no change in status thus decreasing network traffic and redundant status reports.

Lui et al. in view of Day does not teach if no change occurs or less than said minimum numerical amount of change occurs before a predetermined time-out, reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out. Nakashima et al. teaches if no change occurs or less than said minimum numerical amount of change occurs before a predetermined time-out, reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out (column 1, lines 42-47 and 51-54). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the environment monitoring system of Lui et al. in view of Day by reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out if no change occurs or less than said minimum

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numerical amount of change because this prevents long periods of time from elapsing without any type of status report being sent even is the system is running at normal condition.

Regarding claim 62, Lui et al. teaches a computer system comprising a host system and a subsystem coupled to said host system (column 1, lines 9-20), said computer system comprising: first programming in said host system to generate and send a request to said subsystem to monitor a numerically variable characteristic of said subsystem (column 1, lines 30-35) and report to said host system a value of said characteristic or an amount of change of said characteristic (column 1, lines 53-57 and column 4, lines 23-26); second programming in said subsystem to respond to said request by monitoring said characteristic of said subsystem, reporting to said host system a value of said characteristic or an amount of change of said characteristic (column 5, lines 27-41).

Lui et al. does not teach report to said host system when a minimum numerical amount of said change occurs. Day teaches monitor a numerically variable characteristic of said subsystem and report a value of said characteristic or an amount of change of said characteristic when a minimum numerical amount of said change in said characteristic occurs, said request specifying said numerical minimum amount of said change (column 3, lines 17-20 and 29-32); second programming in said subsystem to respond to said request by monitoring said characteristic of said subsystem, and if and approximately when said minimum numerical amount of said change subsequently occurs, reporting a value of said characteristic or an amount of change of said characteristic (column 2, lines 34-37 and column 4, lines 53-55). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the environment monitoring system of Lui et al. by reporting to said host system when a

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minimum numerical amount of said change occurs because this prevents a multitude of status reports with little to no change in status thus decreasing network traffic and redundant status reports.

Lui et al. in view of Day does not teach if no change occurs or less than said minimum numerical amount of change occurs before a predetermined time-out, reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out. Nakashima et al. teaches if no change occurs or less than said minimum numerical amount of change occurs before a predetermined time-out, reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out (column 1, lines 42-47 and 51-54). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the environment monitoring system of Lui et al. in view of Day by reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out if no change occurs or less than said minimum numerical amount of change because this prevents long periods of time from elapsing without any type of status report being sent even is the system is running at normal condition.

Regarding claims 56 and 64, Lui et al. teaches a method as set forth in claim 54 and 62 wherein said characteristic of said subsystem is a characteristic of a component coupled to said subsystem (column 1, lines 8-20, 30-35, and 53-57).

Referring to claims 57 and 65, Lui et al. a method as set forth in claim 54 and 62 wherein said characteristic is a temperature of said subsystem (column 1, lines 30-35).

Referring to claims 58 and 66, Lui et al. teaches a method as set forth in claim 54 and 62 further comprising the steps of: before the receiving step, establishing a communication link

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between said host system and said subsystem; after the receiving step but before the reporting step, terminating said communication link; and after the terminating step but before said reporting step, establishing a communication link between said host system and said subsystem for said reporting (column 4, lines 60-65 and column 2, lines 15-17 and 23-47).

Regarding claims 59 and 67, Lui et al. teaches a method as set forth in claim 58 and 66 wherein each of said communication links comprises SCSI commands and protocol (column 1, lines 13-17 and column 2, lines 45-48 and 59-61 and column 3, lines 48-49 and column 5, lines 39-41).

Referring to claims 60 and 68, Lui et al. teaches a method as set forth in claims 54 and 62 wherein said subsystem comprises a SAF-TE enclosure, and said characteristic of said subsystem pertains to said SAF-TE enclosure (column 1, lines 13-20 and 30-35).

Regarding claims 61 and 69, Lui et al. teaches a method as set forth in claim 54 and 62 wherein said subsystem comprises a SAF-TE enclosure (column 1, lines 13-20 and 30-35) and programming to support periodic SAF-TE polls made by said host system for said characteristic, and further comprising the step of said subsystem receiving periodic SAF-TE polls made by said host system (column 6, lines 32-42), and said subsystem responding to said periodic SAF-TE polls by promptly reporting said characteristic for each of said polls, whether or not said characteristic has changed (column 5, lines 27-41).

5. Claims 70-75, 77-84, and 86-87 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,337,413 to Lui et al. in view Nakashima et al.

Regarding claim 70, Lui et al. teaches a method for communicating to a host system a numerically variable characteristic of a subsystem (column 1, lines 9-11), said method



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comprising the steps of: said subsystem receiving a request from said host system to monitor said numerically variable characteristic of said subsystem (column 1, lines 30-35) and report to said host system a value of said characteristic or an amount of change of said characteristic when said change occurs (column 1, lines 53-57 and column 4, lines 23-26 and column 6, lines 50-51); in response to the receiving step, said subsystem monitoring said characteristic of said subsystem, and if and approximately when a change occurs in said characteristic, said subsystem reporting a value of said characteristic or an amount of change of said characteristic to said host system (column 5, lines 27-41).

Lui et al. does not teach if no change occurs or less than said minimum numerical amount of change occurs before a predetermined time-out, reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out. Nakashima et al. teaches if a change does not occurs in said characteristic before a predetermined period lapses, said subsystem reporting a value of said characteristic or no change in said characteristic to said host system upon lapse of said predetermined period (column 1, lines 42-47 and 51-54). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the environment monitoring system of Lui et al. by reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out if no change occurs or less than said minimum numerical amount of change because this prevents long periods of time from elapsing without any type of status report being sent even is the system is running at normal condition.

Referring to claim 79, Lui et al. teaches a computer system comprising a host system and a subsystem coupled to said host system (column 1, lines 9-20), said computer system

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comprising: first programming in said host system to generate and send a request to said subsystem to monitor a numerically variable characteristic of said subsystem (column 1, lines 30-35) and report to said host system a value of said characteristic or an amount of change of said characteristic when said change occurs (column 1, lines 53-57 and column 4, lines 23-26 and column 6, lines 50-51); second programming in said subsystem, responsive to said request, to monitor said characteristic of said subsystem, and if and approximately when a change subsequently occurs in said characteristic, reporting a value of said characteristic or an amount of change of said characteristic to said host system (column 5, lines 27-41).

Lui et al. does not teach if no change occurs or less than said minimum numerical amount of change occurs before a predetermined time-out, reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out. Nakashima et al. teaches if a change does not subsequently occur in said characteristic before a predetermined period lapses, said second programming reporting a value of said characteristic or lack of change of said characteristic to said host system upon lapse of said predetermined period (column 1, lines 42-47 and 51-54). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the environment monitoring system of Lui et al. by reporting a value of said characteristic or an amount of change of said characteristic upon said predetermined time-out if no change occurs or less than said minimum numerical amount of change because this prevents long periods of time from elapsing without any type of status report being sent even is the system is running at normal condition.

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Regarding claims 71 and 80, Lui et al. teaches a method as set forth in claim 70 and 79 wherein said characteristic of said subsystem is a characteristic of a component coupled to said subsystem (column 1, lines 8-20, 30-35, and 53-57).

Referring to claims 72 and 81, Lui et al. a method as set forth in claim 70 and 79 wherein said characteristic is temperature (column 1, lines 30-35).

Referring to claims 73 and 82, Lui et al. teaches a method as set forth in claim 70 and 79 further comprising the steps of: before the receiving step, establishing a communication link between said host system and said subsystem; after the receiving step but before the reporting step, terminating said communication link; and after the terminating step but before said reporting step, establishing a communication link between said host system and said subsystem for said reporting (column 4, lines 60-65 and column 2, lines 15-17 and 23-47).

Regarding claims 74 and 83, Lui et al. teaches a method as set forth in claim 73 and 82 wherein each of said communication links comprises SCSI commands and protocol (column 1, lines 13-17 and column 2, lines 45-48 and 59-61 and column 3, lines 48-49 and column 5, lines 39-41).

Referring to claims 75 and 84, Lui et al. teaches a method as set forth in claims 70 and 79 wherein said subsystem comprises a SAF-TE enclosure, and said characteristic of said subsystem pertains to said SAF-TE enclosure (column 1, lines 13-20 and 30-35).

Regarding claims 77 and 86, Lui et al. teaches a method as set forth in claim 70 and 79 wherein said subsystem comprises a SAF-TE enclosure (column 1, lines 13-20 and 30-35) and programming to support periodic SAF-TE polls made by said host system for said characteristic, and further comprising the step of said subsystem receiving periodic SAF-TE polls made by said

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host system (column 6, lines 32-42), and said subsystem responding to said periodic SAF-TE polls by promptly reporting said characteristic for each of said polls, whether or not said characteristic has changed (column 5, lines 27-41).

Regarding claims 78 and 87, Lui et al. teaches a method as set forth in claim 70 and 9 wherein said host computer specifies said predetermined period in said request (column 6, lines 15-25 and 32-36).

6. Claims 76 and 85 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,337,413 to Lui et al. in view Nakashima et al. as applied to claim 70-75, 77-84, and 86-87 above, and further in view of Day.

Regarding claims 76 and 85, Lui et al. in view of Nakashima et al. teaches a method as set forth in claim 70 and 79 (column 1, lines 9-20 of Lui et al.).

Lui et al. in view of Nakashima et al. does not teach qualifies said request to report a change in said characteristic only when there is a minimum numerical amount of change of said characteristic, and said request specifies said minimum numerical amount of change. Day teaches wherein said host system qualifies said request to report a change in said characteristic of said subsystem only when there is a minimum numerical amount of change of said characteristic, and said request specifies said minimum numerical amount of change (column 2, lines 34-37 and column 3, lines 17-20 and 29-31 and column 4, lines 53-55 of Day). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the environment monitoring system of Lui et al. in view of Nakashima et al. by qualifies said request to report a change in said characteristic only when there is a minimum numerical amount of change of said characteristic, and said request specifies said minimum numerical amount of

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change because this prevents a multitude of status reports with little to no change in status thus decreasing network traffic and redundant status reports.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB



**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**